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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,747	11/09/2001	Masaya Matsuura	100809-00086(SCEY 19.165)	9130
26304	7590	06/25/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			PEREZ DAPLE, AARON C	
			ART UNIT	PAPER NUMBER
			2154	9
DATE MAILED: 06/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,747

Applicant(s)

MATSUURA ET AL.

Examiner

Aaron Perez-Daple

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment filed 4/9/04, which has been fully considered.
2. Claims 2 and 3 are cancelled by Applicant.
3. Claims 1 and 4-12 are presented for examination.
4. This Action is made Final.

Claim Objections

5. Claim 11 is objected to because of the following informalities: Line 8 recites “the incomplete image” where it should recite -- the modified image --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, 4-6 and 10-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Sitrick (US 5,553,864) (hereinafter Sitrick).
8. As for claims 1, 10 and 12, Sitrick discloses a display control method and a storage medium having recorded therein a control program comprising the steps of:

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obtaining a complete image (col. 2, lines 1-27, "A game image...resulting video game."; col. 2, lines 50-64, "In accordance with one...system is coupled.");

extracting a first partial image from the complete image, which results in said complete image becoming a modified image (extraction of a partial image is inherent in the step of creating sub-images; col. 7, lines 36-40, "Game display functions...character image, etc."); col. 24, line 41 - col. 25, line 28, "Referring to Fig. 5A...of game rules.");

adding a visual effect to the extracted first partial image (col. 25, lines 17-28, "The user created...of game rules.");

displaying the modified image (col. 7, lines 36-50, "Game display functions...the presentation."; col. 16, lines 33-56, "In accordance with...utilized with games."); and

displaying the first partial image added with the visual effect in a moving motion (col. 22, lines 23-47, "For video game systems...video display presentation."; col. 25, lines 17-28, "The user created...of game rules.").

9. As for claim 4, Sitrick discloses the display control method according to claim 1, wherein a visual effect by which the first extracted partial image can stereographically be seen is added in the step of adding the visual effect (col. 18, lines 39-46, "As mentioned elsewhere...of a joystick.").
10. As for claim 5, Sitrick discloses the display control method according to claim 1, wherein the step of adding the visual effect further comprises the step of modifying the brightness of the first extracted partial image (Sitrick clearly anticipates modifications to the partial image, which would include altering the brightness, color

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and other aspects of the image, as understood by one of ordinary skill in the art.; col. 18, lines 16-30, "In accordance with...special graphics and audio data, etc.").

11. As for claim 6, Ref discloses the display control method according to claim 1, further comprising the steps of:

displaying a predetermined game character (col. 25, lines 17-28, "The user created visual...set of game rules."); and

displaying a second partial image together with the game character in a moving motion in response to operation for moving the game character (col. 25, lines 17-28, "The user created visual...set of game rules.").

12. As for claim 11, Sitrick discloses a display control device comprising:

means for obtaining a complete image from a source (video input source 330, Fig. 5A; col. 2, lines 50-64, "In accordance with one...system is coupled.");

extraction means for extracting a partial image from the complete image captured by the image capture means (col. 7, lines 36-40, "Game display functions...character image, etc."); col. 25, lines 5-16, "Alternatively or additionally...an audiovisual display.");

visual effect addition means for adding a visual effect to the extracted partial image (col. 25, lines 17-28, "The user created...of game rules."); and

display means (display screen 340, Fig. 5A) for displaying the partial image in a moving motion added with the visual effect and the incomplete image (col. 22, lines 23-47, "For video game systems...video display presentation."; col. 25, lines 17-28, "The user created...of game rules.").

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick (US 5,553,864) as applied to claims 1 and 6, in view of Morhira (US 6,361,438 B1) (hereinafter Morhira).

15. As for claim 7, neither Sitrick nor Morhira specifically disclose a straight line passing through the center of the entire captured image and displaying the partial image according to a predetermined timing moving along the straight line. However, Morhira presents a discussion of video game systems which model a three-dimensional space within which characters may interact (col. 1, lines 6-63, "The present invention...the translucent appearance."). It is known and expected to those of ordinary skill in the gaming art that the characters, objects and images of the game may interact with a variety of other characters, objects and images, which may include straight lines and other geometric objects, depending on the particular game. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sitrick and Morhira such that a straight line passes through the center of the entire captured image and the partial image is displayed according to a predetermined timing moving along the straight line, because this would allow for creating a game effect where an object approaches or "attacks" an enemy, such as in the combat games disclosed by Morhira.

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16. As for claim 8, Sitrick does not specifically disclose the display control method according to claim 7, wherein the partial image is displayed in a moving motion at a speed corresponded to the size of the partial image. Morhira teaches displaying an image in a moving motion at a speed corresponding to the size of the image (col. 1, lines 6-63, "The present invention...the translucent appearance."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sitrick such that the partial image is displayed in a moving motion at a speed corresponded to the size of the partial image, because this would allow for creating a game effect where an object approaches or "attacks" an enemy with a three-dimensional perspective, such as in the combat games disclosed by Morhira.
17. As for claim 9, Sitrick discloses a display control method similar to claim 8, further comprising the steps of:
- detecting contact between the first and second partial images (col. 18, lines 16-30, "In accordance with....and audio data, etc."); and
 - adding, upon detection of the contact between both partial images, a visual effect corresponding to the size of the second partial image (col. 18, lines 16-30, "In accordance with....and audio data, etc.).

Response to Arguments

Drawings and Specification

18. Applicant asserts that prior illustration does not automatically render something as prior art. Sasaki et al. (US 6,254,477 B1) is a valid prior art reference. However, objections to the drawings and the specification are withdrawn.

Claim Objections

19. Objections to claims 7-9 are withdrawn in view of Amendment.

112 Claim Rejections

20. The rejection of claim 4 under 35 USC first paragraph is withdrawn in view of Applicant's arguments, which are found persuasive.
21. The rejection of claims 1-12 under 35 USC second paragraph is withdrawn in view of Amendment.

101 Claim Rejections

22. The rejection of claim 12 under 35 USC 101 is withdrawn in view of Amendment.

Prior Art Rejections

23. Applicant's arguments filed 4/9/04 have been fully considered but they are not persuasive.
24. Applicant asserts that Sitrick fails to teach or suggest extracting a partial image from a complete image, thereby creating a modified image, and displaying both the

partial image and the modified image together in a moving motion. The Examiner respectfully disagrees. Sitrick discloses numerous methods for obtaining an initial “complete image” including scanning of an image, the use of a camera, or video capture means (see col. 2, lines 1-27 and 50-64). Sitrick further discloses that the image may be broken down into sub-images, wherein the sub-images move in relation to the other sub-images and game elements (see col. 7, lines 36-50 and col. 25, lines 17-28). Sitrick provides specific examples in which sub-images such as the arms, legs, hands, ears, etc. may be extracted from a body or face. It is clear that these sub-images would then move in relation to the other images to create visual effects during the game. In the case wherein a single image was broken down into two sub-images, for example a body and an arm, “the body” may be interpreted as the modified image and “the arm” may be interpreted as the extracted image. The previously cited passages of Sitrick clearly anticipate applying visual effects and moving these images in relation to each other.

Furthermore, the limitation “a complete image” does not exclude the interpretation that the complete image is itself an extracted image. For example, the complete image may be a complete face or body which was extracted from a background. This interpretation is consistent with the broadest reasonable interpretation of the claims. In addition, Sitrick is not limited to the use of extracted images as the complete image. It is clear from Sitrick that the “complete image” may be any image scanned from a picture, obtained from a camera or other source (see col. 2, lines 1-27 and 50-64). Thus, initial extraction is not required.

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For all the reasons above, the Examiner finds that claims 1, 4-6 and 10-12 are properly rejected under 35 U.S.C. 102(b) as anticipated by Sitrick (US 5,553,864).

25. Claims 1 and 4-6 have been shown to be properly rejected as anticipated by Sitrick. Therefore, Morhira does not have to teach these limitations of the claims and claims 7-9 are also properly rejected under 35 USC 103 (a).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Perez-Daple whose telephone number is 703-305-4897. The examiner can normally be reached on 9am - 6pm.

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27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/16/04

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